

ENTERED

February 18, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

RAMON ALBERTO GONZALEZ,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 1:20-CV-190

ORDER

In November 2020, Petitioner Ramon Alberto Gonzalez filed a Petition for a Writ of Habeas Corpus, challenging his state-court homicide conviction on the grounds that his trial counsel was ineffective. (Petition, Doc. 1) The State moves for summary judgment, arguing that Gonzalez's Petition is time-barred. (Motion, Doc. 17)

A United States Magistrate Judge recommends that the Government's Motion be granted and that the Petition be dismissed as untimely filed or, alternatively, denied as meritless. (R&R, Doc. 43) No party filed objections to the Report and Recommendation, and the Court finds no plain error within it.

As a result, the Court **ADOPTS** Report and Recommendation (Doc. 43). It is:

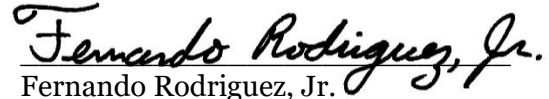
ORDERED that Respondent Bobby Lumpkin's Motion for Summary Judgment (Doc. 17) is **GRANTED**; and

ORDERED that Petitioner Ramon Alberto Gonzalez's Petition for a Writ of Habeas Corpus by a Person in State Custody (Doc. 1) is **DISMISSED** as untimely filed, or alternatively, **DENIED** as meritless.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Gonzalez fails to make a "substantial showing of the denial of a

constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

Signed on February 18, 2022.


Fernando Rodriguez, Jr.
United States District Judge